

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

OLER ADAMS, JR.,)
)
)
Plaintiff,) Case No. CIV-10-920-F
)
)
-vs-)
)
DON SULTMILLER, et al.,)
)
)
Defendants.)

ORDER

United States Magistrate Judge Shon T. Erwin issued a Report & Recommendation on February 19, 2013, recommending that the motions to dismiss of defendants Moham, Howell, and Carswell be granted in part and denied in part and that plaintiff's motion for summary judgment be denied.

Presently before the court is plaintiff's timely objection to the Report & Recommendation. Plaintiff objects to the Report & Recommendation to the extent Magistrate Judge Erwin recommends that plaintiff's motion for summary judgment be denied. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court concurs with the analysis of Magistrate Judge Erwin. The court therefore accepts, adopts and affirms Magistrate Judge Erwin's recommended ruling that plaintiff's motion for summary judgment be denied.

No party has objected to the Report & Recommendation to the extent Magistrate Judge Erwin recommends that the motions to dismiss of defendants Moham, Howell, and Carswell be granted in part and denied in part. As no objection has been filed within the time prescribed by Magistrate Judge Erwin, the court adopts, accepts and affirms Magistrate Judge Erwin's recommended ruling.

Accordingly, the Report & Recommendation issued by United States Magistrate Judge Shon T. Erwin on February 19, 2013 (doc. no. 160) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Defendant Moham's Motion to Dismiss (doc. no. 102), Defendant Howell's Motion to Dismiss (doc. no. 107), and Defendant Carswell's Motion to Dismiss (doc. no. 136) are **GRANTED IN PART** and **DENIED IN PART** as more fully set out in the Report & Recommendation. Plaintiff's Motion for Summary Judgment (doc. nos. 151 and 153) is **DENIED**.

DATED March 21, 2013.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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